



Date August 5, 2024

**RESOLUTION SETTING HEARING ON REQUEST FROM LILLIAN C. RICCELLI
(OWNER) TO AMEND PLANDSM TO REVISE THE FUTURE LAND USE
DESIGNATION AND TO REZONE THE TWO PARCELS LOCATED AT 3803
INDIANOLA AVENUE AND 3805 INDIANOLA AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2024, its members voted 13-0 in support of a motion finding the requested rezoning for two parcels located at 3803 Indianola Avenue and 3805 Indianola Avenue are not in conformance with the existing PlanDSM future land use designation of Low Density Residential; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 18, 2024 its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Lillian C Riccelli (Owner), to amend the PlanDSM: Creating Our Tomorrow future land use designation for two parcels located at 3803 Indianola Avenue and 3805 Indianola Avenue from Low Density Residential to Neighborhood Mixed Use; to rezone the Property from N3a” Neighborhood District to “MX1” Mixed Use District, to allow a mixed-use (commercial and residential) redevelopment of the site, and determined the requested rezoning is in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan:

WHEREAS, the Property is legally described as follows:

BEING A PART OF LOT 22 OF THE OFFICIAL PLAT OF THE NW ¼ OF SECTION 23, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 22; THENCE S00°16’01”W, ALONG THE EAST LINE OF SAID LOT 22, A DISTANCE OF 109.94 FEET; THENCE S60°03’17”W, 231.70 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF INDIANOLA AVENUE, AS PRESENTLY ESTABLISHED; THENCE N39°03’39”W, ALONG SAID RIGHT-OF-WAY LINE, 112.97 FEET; THENCE N39°04’02”W, ALONG SAID RIGHT-OF-WAY LINE, 63.34 FEET; THENCE 115.67 FEET, ALONG SAID RIGHT-OF-WAY LINE AND THE ARC OF A 2962.50 FOOT RADIUS CURVE, CONCAVE NORTHEAST, HAVING A CHORD BEARING N37°56’55”W, 115.66 FEET, TO A POINT ON THE NORTH LINE OF SAID LOT 22; THENCE S89°47’06”E, ALONG SAID NORTH LINE, 90.63 FEET; THENCE S89°34’37”E, ALONG SAID NORTH LINE, 292.89 FEET, TO THE POINT OF BEGINNING.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.



Roll Call Number

Agenda Item Number

23

Date August 5, 2024

2. That the meeting of the City Council at which the proposed amendment to PlanDSM Creating Our Tomorrow comprehensive Plan and proposed rezoning are to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposal, shall be held at 5:00 p.m. on August 19, 2024 in the Council Chambers, City Hall, 400 Robert D. Ray, Drive, Des Moines.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT.

SECOND BY _____.

FORM APPROVED:

/s/ Chas M. Cahill

Chas M. Cahill

Assistant City Attorney

(ZONG-2024-000019) (COMP-2024-000016)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
SIMONSON				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED		APPROVED		

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

July 22, 2024

Communication from the City Plan and Zoning Commission advising that at their July 18, 2024 meeting, the following action was taken on request from Lillian C Riccelli (owner) for the following regarding two (2) parcels located at 3803 Indianola Avenue and 3805 Indianola Avenue:

- A) Determination as to whether the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan.
- B) Amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use classification of the property from Low Density Residential to Neighborhood Mixed Use.
- C) Rezone property from "N3a" Neighborhood District to "MX1" Mixed Use District, to allow a mixed-use (commercial and residential) redevelopment of the site

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-2 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi					X
Abby Chungath	X				
Kayla Berkson	X				
Chris Draper	X				
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis	X				
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb	X				
Katie Gillette					X
Rick Trower	X				

Approval Part A) That the requested “MX1” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from “N3a” Neighborhood District to “MX1” Mixed-Use District.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested “MX1” District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) Staff recommends approval of the request to rezone the property from “N3a” Neighborhood District to “MX1” Mixed-Use District

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to rezone the subject property to “MX1” District, which would allow redevelopment of the site with a new mixed-use development. Conceptual drawings submitted with the application indicate that the existing building would be demolished and replaced with two new buildings along Indianola Avenue with a surface parking lot behind them. The drawings indicate one building would include commercial uses on the ground floor with apartments on the second floor and one building that would be entirely commercial.

Any future construction or redevelopment of the subject properties must comply with all applicable site plan and design regulations contained in the Planning and Design Ordinance (Chapter 135 of City Code).

2. **Size of Site:** 1.28 acres (55,635.9 square feet).
3. **Existing Zoning (site):** “N3a” Neighborhood District.
4. **Existing Land Use (site):** The site is currently a vacant lot to the south and a commercial building with a paved parking lot to the north. There is undeveloped land with tree canopy to the east and along the southern boundary of the property.

5. Adjacent Land Use and Zoning:

North – “N3a”, “NX2”; Uses are single-household and multiple-household residential.

South – ‘P2’; Uses are Jackson Elementary School and surface parking lot.

East – ‘P2’; Use is Jackson Elementary School and surface parking lot.

West – “N3a”; Uses are single-household residential.

- 6. General Neighborhood/Area Land Uses:** The subject property is located at the intersection of Indianola Avenue and East Rose Avenue. The surrounding area is primarily low density residential and is within close proximity to the Southeast 14th commercial corridor. The area immediately adjacent to the subject property includes higher density residential and public and semi-public uses.
- 7. Applicable Recognized Neighborhood(s):** The subject property is not located within 250 feet of a designated Neighborhood Association. All neighborhood associations were notified of the July 18, 2024, public hearing by emailing of the Preliminary Agenda on June 28, 2024, and the Final Agenda on July 12, 2024. Additionally, separate notifications of the hearing for this specific item were mailed on June 28, 2024 (20 days prior to the public hearing) and July 8, 2024 (10 days prior to the public hearing) to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division on the date of the mailing.

The applicant will provide a summary of the neighborhood meeting at the public hearing.

- 8. Relevant Zoning History:** None.

- 9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential.

- 10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow:** The applicant is requesting that the future land use designation of the property be amended from “Low Density Residential” to “Neighborhood Mixed Use”. Plan DSM describes these designations as follows:

Low Density Residential: Areas developed with primarily single-family and two-family residential units with up to 6 dwelling units per net acre.

Neighborhood Mixed Use: Small scale mixed use development typically located at the intersections of collector and/ or arterial streets and along transportation corridors. Non-residential development is designed to serve the immediate neighborhood and include small retail, offices, restaurants, and service oriented development. Low-medium density residential may be included in mixed use development.

The subject parcel is currently zoned “N3a” District. The Zoning Ordinance describes this district as, “intended to preserve the scale and character of residential neighborhoods developed predominantly during the 1950s, 1960s, and 1970s, typically in the ranch or split-level style pursuant to House B building type in section 135-2.14 of this code.”

The applicant is proposing to rezone the parcel to the “MX1” District. The Zoning Ordinance describes this district as, “intended for the mixed-use, neighborhood-scale nodes and corridors within the city, where daily uses are accessible by walking from surrounding neighborhoods.”

Staff believes the proposed amendment to PlanDSM is appropriate, as the subject property is located along a major corridor with access to a mix of amenities. Furthermore, the proposed small scale mixed-use development complements the surrounding one-family household uses as well as the elementary school and multiple-household building immediately adjacent to the subject site. This development would serve as an opportunity for infill housing and other similar scale uses.

The proposed Neighborhood Mixed Use designation would allow low-medium density residential within a mixed-use development. Low-medium density residential can include a mix of single family, duplex and small multi-family units up to 12 units per net acre. Therefore, the 1.28-acre subject property would be allowed to have a maximum of fifteen (15) dwelling units.

2. **Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.
3. **Nature Features:** The subject property contains some mature trees and scrub trees. Any development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

4. **Utilities:** Public storm sewer is available near the corner along Indianola Avenue. Public sanitary sewer is available along Indianola Avenue near the northwest corner of the site. If there is a structure extending to the south edge of the 3805 Indianola Avenue, parcel gravity flow may not be possible for below grade fixtures.
5. **Traffic/Street System:** Motor vehicle and bicycle parking must be provided in accordance with City Code Section 135-6. Minimum parking requirements in "MX1" District shall be equal to 60% of the standard parking ratios established in City Code Section 135-6.4. Provided parking in the "MX1" District shall not be in excess of 120% of the standard parking ratios established in City Code Section 135-6.4.

The subject site is located along a section of Indianola Avenue that is not currently served by DART. However, the subject site is within a quarter mile of two (2) DART bus routes running along Southeast 14th Street and Evergreen Avenue.

6. **Planning and Design Ordinance:** Any future development upon the site must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the rezoning be approved, the applicant would be required to prepare a Site Plan and building elevations for review before the property can be occupied by the proposed use.

SUMMARY OF DISCUSSION

Sreyoshi Chakraborty presented the staff report and recommendations.

Abby Chungath indicated she understood that only the zoning is being considered but wondered if they would be able to comply with tree mitigation and landscaping requirements given the amount of building footprint and parking they are showing on their concept.

Sreyoshi Chakraborty stated this drawing is only a concept. It does show more parking than is required. Most likely this will be adjusted to allow for landscaping.

Francis Boggus asked if they are only proposing 15 residential units, why they would have 72 parking spaces.

Sreyoshi Chakraborty explained that the 15 units is the most they can have but they would also have commercial uses that would need parking. The concept currently shows more parking than is required.

CHAIRPERSON OPENED THE PUBLIC HEARING

Jorge “Junior” Ibarra 2526 E 50th Street, partner in the proposal. The development will be mixed use and include a space called “The Suites” that will allow salon owners to have spaces. Noted that the site concept they submitted is very high-level and they are open to collaborating on the plan. They wish to develop the site, which currently contains an abandoned building and turn it into an area that provides services needed in the area.

Jason Cousineau 1003 E 7th, Coal Valley, IL, partner in the proposal, has similar concept suites in Quad Cities that allow for salon services in an affordable setting for up to 25 salon owners. There are no other suites such as this on the south side of Des Moines. Phase two of the property would include an additional building which would be mixed use and likely include a coffee shop and up to 15 residential units. This is all very preliminary, and they will work with an engineer to be in compliance with the standards on the site.

Kim Allen 3800 Indianola Ave, spoke in opposition to the project. She stated she lives directly across from the location. She has concerns about road safety and traffic flow in the area. Indianola Avenue is a major artery and with no turn lane to this area, it could impact emergency services. She does not believe this boutique type business would be appropriate for the location as there are no other commercial businesses in this area. She believes a traffic study would be needed for the line of site for turning in this area as it could be dangerous. Lastly, she has concerns about property value and taxes. She would like it developed but does not believe this is the best use for the area.

Andy Ogden, 3801 SE 15th Street, spoke in opposition. Stated concerns that the turnout of the neighborhood meeting was low and how it may have been possible that they did not notify enough people. He is also concerned about traffic with it being next to a school. He does not believe that the community will support a business such as this. He does not believe that the roads can handle the traffic and does not wish to have more apartments in the area.

Jason Cousineau stated that he understood the concerns of the neighbors with the school being next door. Noted that the current building is abandoned and unsafe and they are proposing to clean up the site. Richelli’s was a successful restaurant for 55 years and they would not expect their traffic to be any greater than Richelli’s was. They sent letters to the mailing list provided by the city.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION

Chris Draper stated we are only determining the zoning tonight. The applicants will work with city staff to determine traffic and site plan needs. As stated by the opposition, this is an area without commercial businesses, and he supports the growth and the entrepreneurship of the applicant to make improvements to this area.

Chris Draper made motion for the following:

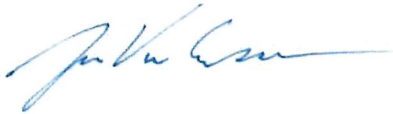
Part A) That the requested "MX1" District be found not in conformance with the existing PlanDSM future land use designation of Low Density Residential.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Comprehensive Plan to revise the future land use designation from Low Density Residential to Neighborhood Mixed Use.

Part C) Approval of the request to rezone the property from "N3a" Neighborhood District to "MX1" Mixed-Use District.

THE VOTE: 13-0

Respectfully submitted,

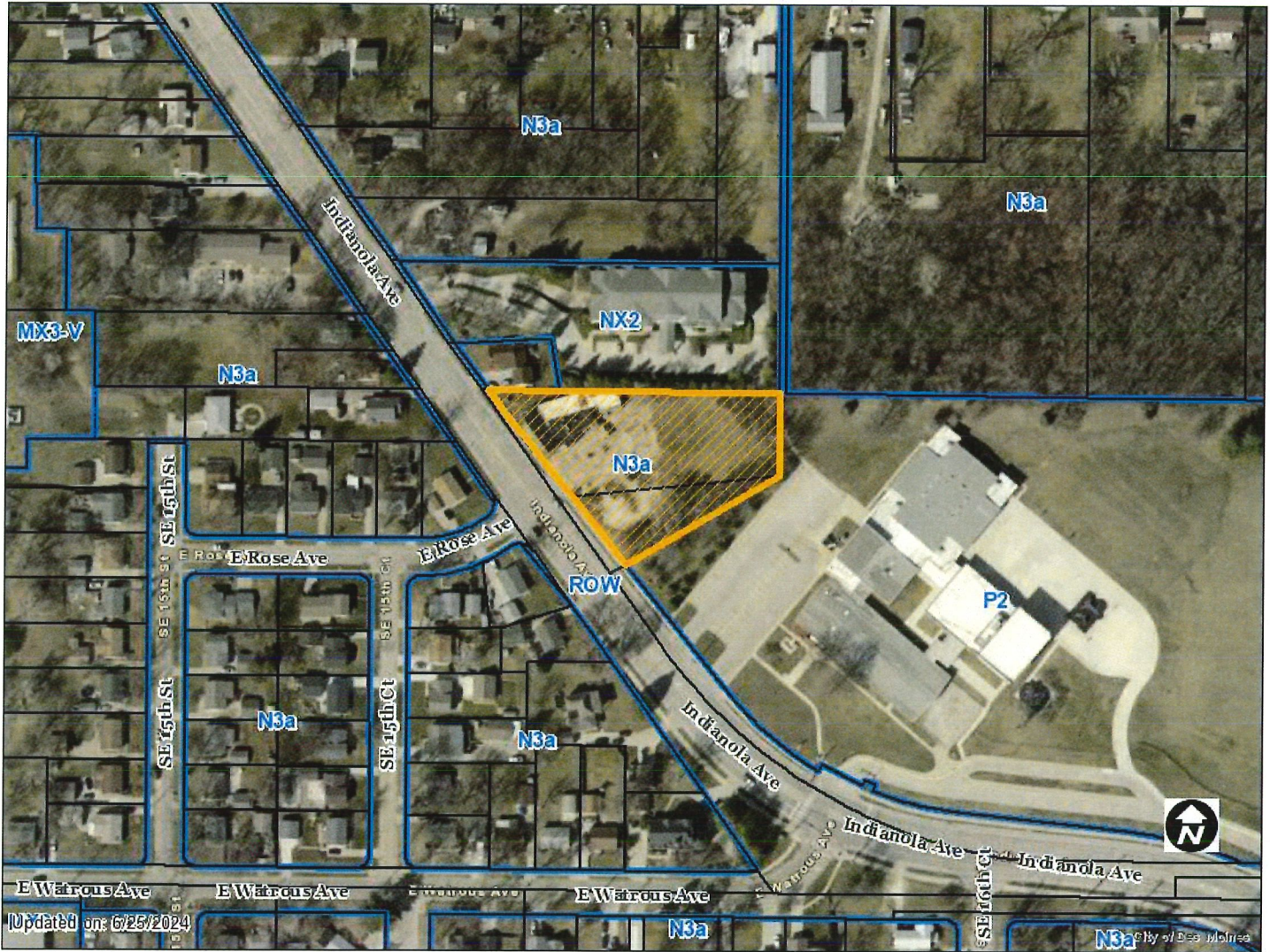


Planning & Urban Design Administrator

JMV:mrw

Lillian C Riccelli 3803 and 3805 Indianola Avenue

ZONG-2024-000019







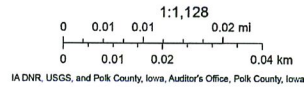






6/12/2024, 7:19:14 AM

- Contours - 2ft
- Contours - 10ft
- Tax Parcels
- Condo Units
- Subdivision
- Parcel Cartography
- Misc. Cartography
- Lot Cartography
- Streets



Polk County, Iowa
Polk County has compiled this information for government purposes only. Polk County makes no warranties, either expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this information for any particular use. Polk County is not

Commercial Cottage Parking
72 parking shown
12 Office (1 per 400)
13 Restaurant (1 per 150)
Housing (1 per unit)
Salon: 35 * 1.3 = 45 spaces
max 65% impervious

Building front must be within 10' of the property line at the street.

1 Site Plan
1" = 60'-0"





To Whom It May Concern,

The owner of the 3803 & 3805 Indianola Avenue is requesting a zoning amendment to rezone the properties from its current zoning N3A Neighborhood District to MX1 Mixed Use (X) district. The properties consist of 0.968 & 0.305 acres and its former use was a restaurant known as Riccelli's and the rezoning has been requested to accommodate a new commercial building and parking area.

Project Description: The owner is proposing site improvements which consist of demoing the existing building and establishing a new two-story commercial building parking area.

**** A revised site limits map has been provided, please see attached exhibit ****

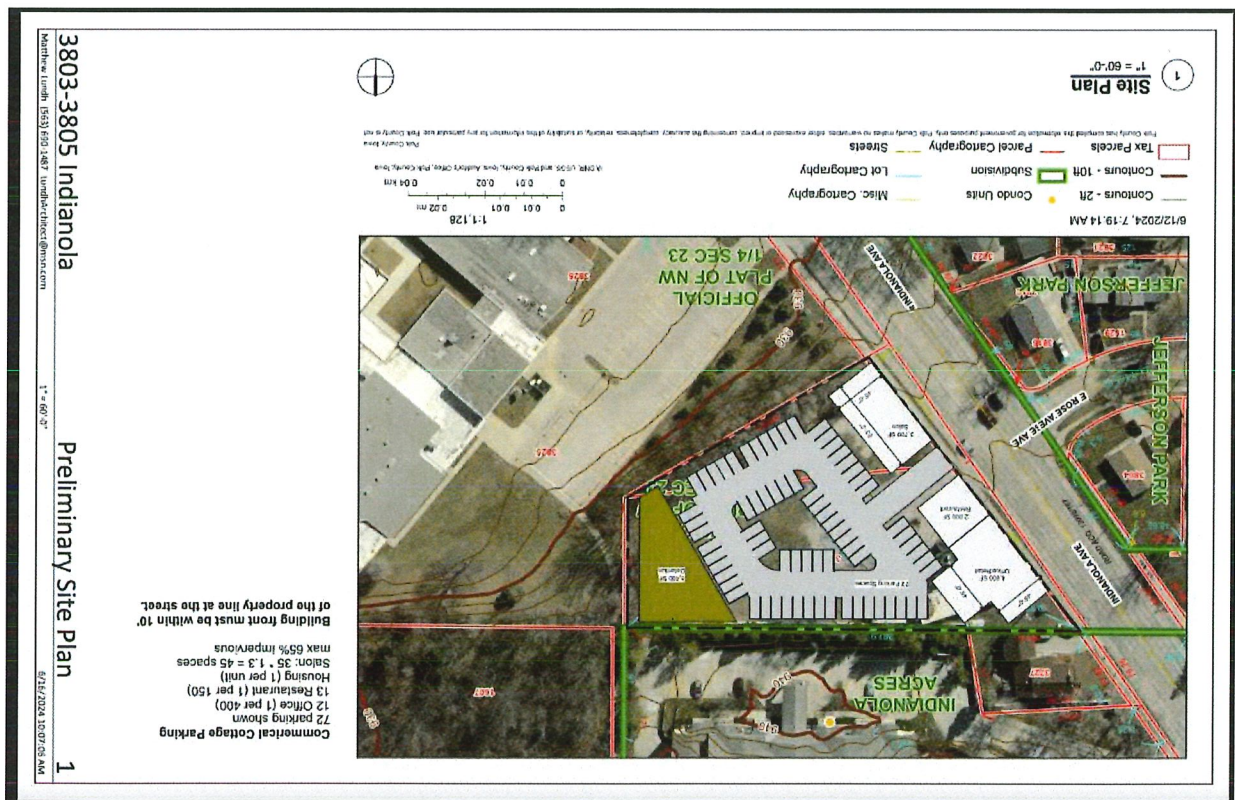
We will be holding a neighborhood meeting on **Tuesday, July 2nd, 2024, from 6:00 pm – 7:00 pm** at **5901 SE 14th SE 14 (Starbucks), Des Moines, IA 50320**. If you have any concerns, questions, or objections please feel free to contact me anytime by phone or email. It is anticipated that this will be presented on July 18th, 2024 to the Planning and Zoning Commission.

Team IRG
5406 Merle Hay Road
Des Moines, Iowa 50310
Manny Toribio
319-331-5542
manny@ibarrarealtygroup.com

Sincerely,

Manny Toribio





From: [Manny Toribio](#)
To: [Chakraborty, Sreyoshi](#)
Cc: [Jason Cousineau](#); [Matthew Lundh](#); [Junior Ibarra](#); [Delp, Michael R.](#); [Tarpey, Nicholas O.](#)
Subject: Re: 3803 Indianola - ZONG-2024-000019
Date: Monday, July 8, 2024 7:19:54 PM
Attachments: [image001.png](#)
[3803 & 3805 Indianola Avenue - Commercaill Letter.docx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sreyoshi- The report on the neighborhood meeting held 7/2/2024 at 6:05 pm is as follows:

Attendees:

- Tina Baxter 3804 Indianola Avenue - baxtertina1964@gmail.com
- Carol Capps 3801 SE 15th - caroljcapps@hotmail.com
- Andy Ogden 3801 SE 15th
- Kim Allen 3880 Indianola Avenue - ksaallen50320@yahoo.com

Representatives:

- Manny Toribio
- Junior Ibarra
- Jason Cousineau
- Donald Easton

Issues:

- Safety concerns for the kids access to the school - privacy fence
- Increase traffic flows and point of conflicts for cars/pedestrians
- To many parking stalls
- Is water run-off being mitigated
- Can a street light be leveraged for a hard stop and go
- Does this increase housing valuations
- How will the lighting impact other properties
- How long will construction last
- Can a crosswalk with lighting signage be installed across Indianola
- Is the density of residential units a concern

Please let us know if there are any questions prior to the P&Z meeting.

Thanks!

Manny Toribio
 319-331-5542
manny@TeamIRG.com

On Mon, Jul 1, 2024 at 3:47 PM Chakraborty, Sreyoshi <schakraborty@dmgov.org> wrote:

Thank you Jason!

Item: ZONG-2024-000019

Date:

Please mark one of the following:

☐ I support the request☐ I am undecided☒ I oppose the request

Titleholder Signature:

Dave Allen / Kim Allen

Name/Business:

Dave Allen / Kim Allen

Impacted Address:

3880 Cincinnati Avenue

Comments:

Too much traffic already!
Can't support the proposed
business! Too hazardous
for emergency vehicles &
students walking to schools.

Staff Use Only
REC
COMMUNITY DEVELOPMENT

JUL 18 2024

Item: ZONG-2024-000019

Date: 7/11/24

Please mark one of the following:

☐ I support the request

☐ I am undecided

☒ I oppose the request

Staff Use Only

RECEIVED
COMMUNITY DEVELOPMENT

JUL 18 2024

Titleholder Signature: Gary Baxter

Name/Business: GARY BAXTER

Impacted Address: 3804 INDIANOLA AVE

Comments: WANT TO KEEP THE NEIGHBORHOOD FEEL.

DONT WANT BRIGHT LIGHTS AND UGLY BUILDINGS.

Item: ZONG-2024-000019

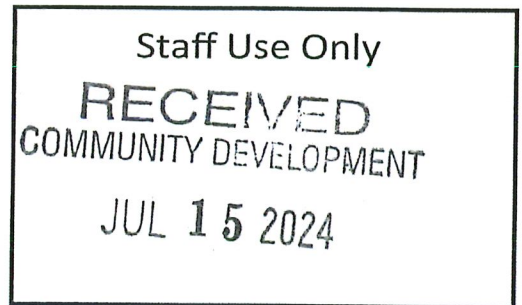
Date: 7-14-2024

Please mark one of the following:

☐ I support the request

☐ I am undecided

☒ I oppose the request



Titleholder Signature: Andrew Ogden

Name/Business: _____

Impacted Address: 3801 SE 15 TH ST

Comments: TRAFFIC CONCERNS-NOSOUTH
BOUND TURN LANE AND NEXT TO JACKSON
SCHOOL / WE DON'T NEED ANY MORE
APARTMENTS IN OUR RESIDENTIAL
NEIGHBORHOOD OR BUSINESSES,

July 11, 2024

Des Moines Development Services
Attn: Plan and Zoning Commission
602 Robert D Ray Drive
Des Moines, Iowa 50309-9603

To Whom it May Concern:

I am a resident of Des Moines and live at 3800 Indianola Avenue directly across from the proposed development of parcels 3803 and 3805 Indianola Avenue. I am writing with concerns about this development and how it will affect our neighborhood in the future. Currently the proposed development of these properties will include, as quoted from the site map created by KW Commercial:

"Commercial Cottage Parking
72 parking spaces
12 office (1 per 400)
13 Restaurant (1 per 150)
Housing (1 per unit)
Salon: $35 * 1.3 = 45$ spaces"

All of these buildings fronts must be within 10' of the property line at the street, according to the site map provided by KW Commercial. There are three major concerns that need to be addressed regarding this development.

First, location.

Development on the crest of a hill directly across from East Rose Avenue and developed right next to Jackson Elementary School. This will add additional traffic to this area, presenting a safety issue with this being a walk way for students from Jackson and Weeks Middle School .

Second, traffic flow.

Currently residents of this area, entering from East Rose Avenue, have difficulty entering into traffic on Indianola Avenue due to the heavy traffic at all times of the day and night

Southbound traffic does not have a center turn lane to access this development (with no land to build one), the northbound turning lane ends at East Rose Avenue, not quite at the crest of the hill. This can create future hazards (accidents and traffic tie-ups) for the flow of traffic from downtown Des Moines, especially during rush hour.

Page 2
Des Moines Development Services
Attn: Plan and Zoning Commission

Indianola Avenue is a main artery for traffic coming from the southeast side of Des Moines and surrounding areas, constantly being used by emergency vehicles – adding a huge amount of continual traffic to this area is not feasible, and making travel more dangerous for emergency vehicles when time is of the essence.

Third, and last, is the proposed development itself.

I attended the meeting held by KW Commercial and met the investors. As described by the investor, "...this a boutique type of development..." I don't believe this location can support this type of development. Having grown up on the south-side of Des Moines and attended Jackson Elementary and Weeks Junior High, this is a lower to middle class area not an area for boutique types of services.

As a resident and supporter of south-side development I want us to grow, but with the appropriate development that will support neighborhoods like mine. Currently, there is no commercial development from Evergreen Avenue to Army Post Road. The only exceptions that I'm aware of are the Fire Station and the church that I attended as a child.

When I drive around the south-side of Des Moines I notice that there are many other areas already zoned commercial that would be more appropriate for this type of development. I ask that you carefully review the concerns that I have presented before rezoning to allow this change to our neighborhood.

Sincerely,

Kimberly S. and David S. Allen
3800 Indianola Avenue
Des Moines, Iowa 50320
Te 515/979-0716

Lillian C Riccelli 3803 and 3805 Indianola Avenue

ZONG-2024-000019

